

# **CITY OF MOUNTLAKE TERRACE**



## **REQUEST FOR QUALIFICATIONS AND PROPOSAL**

### **LEGAL SERVICES -- PROSECUTOR**

City of Mountlake Terrace  
6100 – 219<sup>th</sup> Street SW #200  
Mountlake Terrace, WA 98043

Issue Date: April 13, 2012

Due Date: May 18, 2012

**REQUEST FOR QUALIFICATIONS FOR PROSECUTION SERVICES**

Notice is hereby given that the City of Mountlake Terrace (“City”), Washington is requesting proposals from well-qualified law firms and/or attorneys interested in providing prosecution services for the City.

Please submit your proposal to:

City of Mountlake Terrace  
Attn: Scott Hugill, Asst. City Manager  
6100 – 219<sup>th</sup> Street SW #200  
Mountlake Terrace, WA 98043-4629

until:

Date: May 18, 2012

Time: 5:00 p.m. (Pacific)

Upon the City’s discretion, proposals submitted after the due date and time may be considered. Proposer accepts all risks of late delivery of mailed proposals regardless of fault. The Proposer bears all responsibility for ensuring the mailing address is correct.

The City of Mountlake Terrace reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any costs incurred by proposer in the preparation and submission of a proposal. Furthermore, the RFP does not obligate the City to accept or contract for any expressed or implied services.

The successful proposer must comply with the federal, state and local equal opportunity requirements. The City is committed to a program of equal employment opportunity regardless of race, color, creed, sex, age, nationality or disability.

Request for Proposal  
Legal Services – Prosecutor for The City of Mountlake Terrace

**Introduction:**

Mountlake Terrace is located north of Seattle. The city's resident population is 19,990 in a 4 square mile area.

**Purpose of RFP:**

To obtain proposals from well-qualified law firms and/or attorneys interested in providing prosecution services for the City.

**Definitions:**

City:	The City of Mountlake Terrace and its departments.
Selection Committee:	The RFP Selection Committee is comprised of the RFP coordinator and other City staff.
Contract:	The agreement to be entered into for services between the City and the Proposer who submits the proposal accepted by the City.
RFP:	Request for Proposal
Proposer	The person or firm submitting the proposal and/or the person or firm awarded the contract.
City Hall:	6100 – 219 <sup>th</sup> Street SW #200, Mountlake Terrace, WA 98043

**RFP Coordinator/Communications:**

Upon release of this RFP, all Proposer communications concerning this information request should be directed in writing to the RFP Coordinator listed below. Unauthorized contact regarding this RFP with other City employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City.

Name:	Scott Hugill, Assistant City Manager
Address:	City of Mountlake Terrace 6100 – 219 <sup>th</sup> Street SW #200 Mountlake Terrace, WA 98043
Telephone:	(425) 774.6208
E-mail:	shugill@ci.mlt.wa.us

**Preliminary Schedule:**

These dates are estimates and are subject to change by the City.

Event	Date
Release RFP to Proposer	April 13, 2012
Proposer Questions (if any) Due	May 1, 2012
Proposal Responses Due	May 18, 2012
Meeting with Selection Committee	June 7, 2012
Proposal Evaluation Complete	June 14, 2012
Negotiation of Contract	June 21, 2012
New PA Begins Prosecution Services	September 1, 2012

**Duties:**

Represent the CITY as Prosecuting Attorney in the prosecution of criminal and traffic criminal matters, which are gross misdemeanors and misdemeanors under State and Municipal law, and attorney-represented contested infractions. The Prosecutor is responsible for all aspects of the prosecution, including but not limited to case management, sentencing and appeal. Duties shall include the review and signing of citations; review of police incident reports for charging determination; recommendations with respect to the conduct of investigations, trial preparations, seizures and related matters; telephone conversations, meeting with the police department and its officers, pro se defendants and opposing counsels, interviewing victims and witnesses; representing and advising the City with Victim Advocacy interests; representing the City at arraignments, pretrial hearings, bench and jury trials, in-custody hearings, motion calendars, contested infraction matters, review hearings and appeals; preparing and presenting legal memoranda, motions and supporting documentation or other related materials for court cases; preparing subpoenas, jury instructions, and other related documents; process and provide discovery and related records disclosure requests, including contested traffic infractions; perform other related duties as required.

Provide legal research and advice and meet with the Police Department from time to time as may be reasonably necessary to provide training and assistance in all criminal matters including statutory interpretation, enforcement issues, case decisions, and provide regular updates and education in the furtherance of its performance.

**Qualifications:**

The Prosecutor shall be an attorney admitted to the practice of law in the State of Washington. Five (5) or more years experience is preferred, including significant trial experience. Experience in the prosecution of criminal and infraction matters is highly desirable, including matters involving violations of municipal or county ordinances. Preference will be given to Proposer who provides one attorney to cover all City requirements.

**Compensation/Hours of Work:**

The City and Prosecutor will enter into a professional services agreement which will address compensation. The Prosecutor must be reasonably available for night and weekend (24/7) contact by police personnel. Proposals shall clearly set forth fees or fee structure to be charged for prosecution services. A flat fee proposal is preferred. The fee schedule should spell out any variations for non-routine services, such as traffic and criminal appeals, towing hearings, officers subpoenaed non-represented contested traffic infractions. Services covered by this RFQ that are not explicitly identified as non-routine will be assumed to be included in the fees or fee structure to be charged for prosecution services.

The City of Mountlake Terrace has a municipal department within Snohomish County District Court, South Division. In addition to scheduled bench and jury trials held twice monthly – Wednesday through Friday, Court hearings are normally conducted as follows:

- In-custody hearings: Monday through Friday, as required – 9:00 a.m. to calendar completion;
- Motion calendar, Deferred Prosecution Revocation and Fact-Finding Review hearings: each Monday, as required – 9:30 a.m. to 11:50 a.m. or to calendar completion;
- Disposition/Calendar Readiness: twice monthly – Monday 1:30 p.m. to 4:30 p.m. or to calendar completion;
- Arraignment calendar: each Tuesday – 1:30 p.m. to 4:30 p.m. or to calendar completion;
- Calendar Readiness: twice monthly – Thursday 9:30 a.m. to 11:50 a.m. or to calendar completion, and 1:30 p.m. to 4:30 p.m. or to calendar completion;
- Attorney-represented Contested Traffic hearings: twice monthly, as required – Thursday 9:30 a.m. to 11:50 a.m. or to calendar completion.

The City's calendar and trial days are subject to change and the City does not warrant that the current schedule will continue throughout the term of the contract.

Mountlake Terrace filings in Snohomish County District Court, South Division for 2010 and 2011 were as follows:

<b>Case Type</b>	<b>2010</b>	<b>2011</b>
Criminal Traffic	751	833
Criminal Non-traffic	392	270
Infraction Traffic	2,538	2,791
Infraction Non-traffic	4	4
DUI	103	69

**Contract Term:**

The City of Mountlake Terrace desires a three-year contract period commencing September 1, 2012, which may be renewed for successive three-year periods.

**Submittal Requirements:**

To reply to this RFQ, please submit the following:

1. Resume;
2. Cover letter and statement of qualifications, including specific experience, if any, of the attorney(s) in courts of limited jurisdiction which must also include Washington State Bar Numbers for all attorneys responding to this RFQ;
3. Three (3) professional references with addresses and phone numbers;
4. Please provide clear and concise responses to the following questions. Please place your name and/or the name of your firm on each sheet of paper used. (All materials shall be submitted in one packet and provided to the Assistant City Manager.)
  - a. What steps will you take as Prosecutor to assure that violators are prosecuted to the full extent of our community's standards?
  - b. Please discuss fully your philosophy pertaining to plea bargaining and how you would apply it in this position.
  - c. How would you describe the role of the City Prosecutor and its relationship to the Court, Police Department, victims, witnesses and the community?
  - d. As Prosecutor how will you handle subpoenas, discovery and related public disclosure requests?
  - e. What level of availability would you have to staff during both working and off hours?
  - f. What steps would you take to assure a timely resolution of cases, staff requests and related matters?
  - g. Submit a proposed schedule of fees and costs you would be seeking as compensation. A flat fee proposal is preferable. (Final agreement will be negotiated under a professional services agreement.)
  - h. Disclose any pending litigation and/or judgments rendered against you and/or your firm in any matter relating to the professional activities of you and/or your firm, including any pending complaints to the Washington State Bar Association.

Please submit your proposal to the City of Mountlake Terrace, Attention Scott Hugill, Assistant City Manager, 6100 – 219<sup>th</sup> Street SW #200, Mountlake Terrace, WA 98043 by 5:00 p.m. on May 18, 2012.

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## **Proprietary and Confidential Material:**

### **Requesting Disclosure of Public Records**

The City asks interested parties to refrain from requesting public disclosure of proposal records until a contract is executed. This measure is intended to shelter the solicitation process, particularly during the evaluation and selection process or in the event of a cancellation or re-solicitation. With this preference stated, the City will continue to be responsive to all requests for disclosure of public records as required by State Law.

### **Disclosing Material**

The State of Washington's Public Records Act (Release/Disclosure of Public Records). Under Washington State Law (reference RCW Chapter 42.56, the *Public Records Act*) all materials received or created by the City of Mountlake Terrace are considered **public records**. These records include but are not limited to proposal submittals, agreement documents, contract work product, or other material.

The State of Washington's Public Records Act requires that public records must be promptly disclosed by the City upon request unless a judge rules that RCW or another Washington State statute specifically exempts records from disclosure. Exemptions are narrow and explicit and are listed in Washington State Law (Reference RCW 42.56 and RCW 19.108).

Proposer must be familiar with the Washington State Public Records Act and the limits of record disclosure exemptions. For more information, visit the Washington State Legislature's website at <http://www1.leg.wa.gov/LawsAndAgencyRules>.

If you believe any records you are submitting to the City as part of your submittal or contract work product, are exempt from disclosure you can request that the City not release the records until the City notifies you about the pending disclosure.

### **Selection Process:**

The selected attorney and/or firm will be required to undergo a reference check and comprehensive background investigation prior to appointment; agree to a review of his/her/their files with the Washington Bar Association and any other state he/she/they is or has been admitted to practice (documented history of discipline with the Bar Association is not acceptable); and provide proof of professional liability insurance to the City.

All proposals will be reviewed and screened with the top candidate(s) invited to an interview. Appointment will occur after approval of the professional services contract by the successful attorney/firm and the City Council. This Request for Qualifications and Proposal is not an offer of employment. The City reserves the right to vary from the qualifications requested, to consider applicants who do not meet the qualifications and to reject all applicants. If you should have any questions regarding the position of the selection process, please contact Scott Hugill, Assistant City Manager, 425.744.6208 or [shugill@ci.mlt.wa.us](mailto:shugill@ci.mlt.wa.us)